

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on March 28, 2003 at
3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Jent (D)
Rep. Penny Morgan (R)
Rep. Holly Raser (D)
Rep. Don Roberts (R)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)

Members Excused: Rep. Larry Jent (D)
Rep. Holly Raser (D)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SJR 14 (3/14/03); SJR 18
Executive Action: SJR 14 Be Concurred In

HEARING ON SJR 14

Sponsor: SEN. AUBYN CURTISS, SD 41, Fortine

Opening Statement by Sponsor:

SEN. CURTISS said this joint resolution of the Senate and the House of Representatives of the State of Montana urges the Montana Congressional Delegation to pursue funding options from federal sources for the development, construction and maintenance in Libby, Montana, of a center for the study of asbestos and the treatment of illnesses related to tremolit-series asbestos.

{Tape: 1; Side: A; Approx. Time Counter: 22 - 64}

Proponents' Testimony:

Bonnie Kittleson, Troy resident and business owner, said it was beneficial to have a research facility with the center located in Libby. She also provided a newspaper article regarding an asbestos conference which will focus on Libby.

EXHIBIT (huh66a01)

{Tape: 1; Side: A; Approx. Time Counter: 64 - 67}

Todd O'Haire, Natural Resource Policy Advisor, Governor's Office, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 67 - 69}

Dan Larson, Troy resident and business owner, said Libby has the greatest known population suffering from asbestos diseases related to tremolit asbestos. Three hundred fifty people have lost their lives to the affects of asbestos and a number of people have been diagnosed and will die. Tremolit asbestos is a highly toxic form. The fiber is similar to an arrow, penetrating the lungs and is extremely difficult to diagnosis with screen readings of the lungs. This material has been shipped across the country. The research and study of this product will help people suffering from asbestos poisoning.

{Tape: 1; Side: A; Approx. Time Counter: 69 - 100}

Alvin Bennets, Board of Directors, Heart Clinic for Asbestos Related Diseases, said they support this legislation. Their facility can serve the nation from Libby, Montana.

{Tape: 1; Side: A; Approx. Time Counter: 100 - 144}

Rick Palagi, St. John's Lutheran Hospital, provided written testimony.

EXHIBIT (huh66a02)

{Tape: 1; Side: A; Approx. Time Counter: 144 - 182}

Jennifer Bannon, Montana Environmental Information Center, said they support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 182 - 193}

Sami Butler, Montana Nurse's Association, said this was an appropriate and reasonable resolution in response to the tragedies in Libby.

{Tape: 1; Side: A; Approx. Time Counter: 193 - 201}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BECKER asked **SEN. CURTISS** if the U.S. Government had already proposed a center site. **SEN. CURTISS** said, "No."

{Tape: 1; Side: A; Approx. Time Counter: 201 - 218}

REP. NOENNIG asked **SEN. CURTISS** to explain the relationship between the information she handed out and the result of who is receiving compensation. **SEN. CURTISS** said that one of the handouts about the seminar which was conducted in Missoula points out the fact that tremolite asbestos is an unknown product. It is difficult to diagnose. People are exposed to it and it is latent for some time before the symptoms ever come into evidence. More research must be done.

{Tape: 1; Side: A; Approx. Time Counter: 218 - 255}

Closing by Sponsor:

The Sponsor closed by saying that this is not a Libby problem nor a Montana problem. A study discovered that asbestos-related lawsuits are clogging the nation's courts and by the year 2000 had cost businesses more than \$54 billion. That same study estimates that \$500,000 to \$2.4 million more in lawsuits could be filed in future years. Last year, one Oakland, California lawyer told Congress that asbestos litigation is becoming a national nightmare as well as a national disgrace. Death from asbestos-related illnesses has touched family after family in Lincoln County, and Libby residents have come to the Legislature for help. It is expected there will be 220,000 deaths by 2009 from asbestos-related symptoms.

EXHIBIT (huh66a03)

{Tape: 1; Side: A; Approx. Time Counter: 255 - 312}

EXECUTIVE ACTION ON SJR 14

Motion/Vote: REP. GALLUS moved that SJR 14 BE CONCURRED IN.
Motion carried 13-0 with REP. NOENNIG giving a voice vote for REPS. JENT and RASER.

Motion/Vote: REP. WINDY BOY moved SJR 14 BE PLACED ON THE
CONSENT CALENDAR. Motion carried 13-0 with REP. NOENNIG giving a
voice vote for REPS. JENT and RASER.

HEARING ON SJR 18

Sponsor: SEN. DAN HARRINGTON, SD 19, Butte

Opening Statement by Sponsor:

SEN. HARRINGTON said a joint resolution of the Senate and the House of Representatives of the State of Montana provides that the Department of Public Health and Human Services should apply for a Medicaid waiver for more flexibility than that allowed by Medicaid rules for a program under which family members would provide assistance to a member of the family who is elderly or disabled or both.

{Tape: 1; Side: A; Approx. Time Counter: 312 - 400}

Proponents' Testimony:

Margaret Crennen, Volunteer, AARP Montana, said they support this resolution.

{Tape: 1; Side: A; Approx. Time Counter: 400 - 417}

Sami Butler, Montana Nurse's Association, said in almost all cases, families providing appropriate care create a less stressful environment for the elderly and disabled.

{Tape: 1; Side: A; Approx. Time Counter: 417 - 430}

Opponents' Testimony: None

Informational Testimony:

Joyce DeCunzo, Senior & Long Term Care Division, Department of Public Health & Human Services, said she was available to answer questions.

{Tape: 1; Side: A; Approx. Time Counter: 430 - 443}

Questions from Committee Members and Responses:

REP. ROBERTS asked Ms. DeCunzo if this program is a Medicaid 1115 Waiver. **Ms. DeCunzo** said it was a 1115 Waiver; it will allow the Department to change the rules of Medicaid. Forty-one of fifty states allows this payment to family members. Permission from the federal government to pay spouses or parents of minor children to stay home and take care of their family member is an explanation of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 443 - 500}

REP. BECKER asked Ms. DeCunzo about the use of this program. **Ms. DeCunzo** said the 1915c Waiver is called the "Home and Community Base Services Waiver" and it is meant to help people stay in their own homes. That is a separate program and the funding for that is with HB 2.

{Tape: 1; Side: B; Approx. Time Counter: 1 - 42}

REP. MORGAN asked Ms. DeCunzo if there were income requirements to qualify for these waivers. **Ms. DeCunzo** said in order to be able to receive these services at all, the person who needs the services would need to be Medicaid-eligible. Federal regulations say persons not able to qualify under current Medicaid rules, pay a spouse or a parent of a minor child and also stipulate that they are unable to give Medicaid money to a Medicaid recipient to enable them to buy their own care. If it is a parent of a minor child, that person would be able to be paid to stay home and take care of the Medicaid recipient.

{Tape: 1; Side: B; Approx. Time Counter: 42 - 91}

REP. NOENNIG asked Ms. DeCunzo about how they're currently paying for family members to care for people but the Department does not have the authority under Medicaid to pay for spouses or parents of minor children. **Ms. DeCunzo** said those are the only relatives that are not able to be paid.

{Tape: 1; Side: B; Approx. Time Counter: 91 - 150}

REP. WINDY BOY asked Ms. DeCunzo about the program being a pilot program. He asked if this waiver is passed, would there be a need for a pilot program. **Mr. DeCunzo** said she did not know that for sure. She also stated there is a pilot program set up in Butte.

{Tape: 1; Side: B; Approx. Time Counter: 150 - 192}

Closing by Sponsor:

The Sponsor closed.

{Tape: 1; Side: B; Approx. Time Counter: 192 - 221}

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh66aad)